

**BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA**

**In the Matter of the First Amended
Accusation Against:**

NARENDRA JAGJIVAN PATEL, M.D.

Case No. 800-2016-023055

**Physician's and Surgeon's
Certificate No. C37535**

Respondent

DECISION

**The attached Stipulated Surrender of License and Order is hereby
adopted as the Decision and Order of the Medical Board of California,
Department of Consumer Affairs, State of California.**

This Decision shall become effective at 5:00 p.m. on December 10, 2018

IT IS SO ORDERED December 3, 2018

MEDICAL BOARD OF CALIFORNIA

By:


**Kimberly Kirchmeyer
Executive Director**

1 XAVIER BECERRA
Attorney General of California
2 MATTHEW M. DAVIS
Supervising Deputy Attorney General
3 JASON J. AHN
Deputy Attorney General
4 State Bar No. 253172
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8 *Attorneys for Complainant*

9
10 **BEFORE THE**
11 **MEDICAL BOARD OF CALIFORNIA**
12 **DEPARTMENT OF CONSUMER AFFAIRS**
13 **STATE OF CALIFORNIA**

14 In the Matter of the First Amended Accusation
15 Against:

16 **NARENDRA JAGJIVAN PATEL, M.D.**

17 **1461 State Street**
El Centro, CA 92243

18 **Physician's and Surgeon's Certificate**
19 **No. C 37535**

20 Respondent.

Case No. 800-2016-023055

OAH No. 2018040941

21 **STIPULATED SURRENDER OF**
22 **LICENSE AND ORDER**

23 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-
24 entitled proceedings that the following matters are true:

25 **PARTIES**

26 1. Kimberly Kirchmeyer (Complainant) is the Executive Director of the Medical Board
27 of California (Board). She brought this action solely in her official capacity and is represented in
28 this matter by Xavier Becerra, Attorney General of the State of California, by Jason J. Ahn,
Deputy Attorney General.

2. Narendra Jagjivan Patel, M.D. (Respondent) is represented in this proceeding by attorney Raymond J. McMahon, Esq., whose address is: 5440 Trabuco Road, Irvine, California 92620.

3. On or about June 30, 1977, the Board issued Physician's and Surgeon's Certificate No. C 37535 to Narendra Jagjivan Patel, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought in First Amended Accusation No. 800-2016-023055 and will expire on April 30, 2019, unless renewed.

JURISDICTION

4. On or about April 10, 2018, Complainant Kimberly Kirchmeyer, in her official capacity as the Executive Director of the Board, filed Accusation No. 800-2016-023055 against Respondent. On or about April 10, 2018, the Accusation and all other statutorily required documents were properly served on Respondent at his address of record on file with the Board which was: 1461 State Street, El Centro, CA 92243. Respondent timely filed his Notice of Defense contesting the Accusation.

5. On or about June 4, 2018, Complainant Kimberly Kirchmeyer, in her official capacity as the Executive Director of the Board, filed First Amended Accusation No. 800-2016-023055 against Respondent. On or about June 4, 2018, First Amended Accusation No. 800-2016-023055 and all other statutorily required documents were properly served on Respondent at his address of record on file with the Board which was: 1461 State Street, El Centro, CA 92243. A copy of First Amended Accusation No. 800-2016-023055 is attached as Exhibit A and incorporated by reference.

ADVISEMENT AND WAIVERS

5. Respondent has carefully read, fully discussed with counsel, and fully understands the charges and allegations in First Amended Accusation No. 800-2016-023055. Respondent also has carefully read, fully discussed with counsel, and fully understands the effects of this Stipulated Surrender of License and Order.

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6. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

CULPABILITY

8. Respondent does not contest that, at an administrative hearing, Complainant could establish a *prima facie* case with respect to the charges and allegations contained in First Amended Accusation No. 800-2016-023055 and that he has thereby subjected his license to disciplinary action.

9. Respondent fully understands that by signing this stipulation he enables the Board to issue an order accepting the surrender of his Physician's and Surgeon's Certificate without further process.

CONTINGENCY

10. Business and Professions Code section 2224, subdivision (b), provides, in pertinent part, that the Medical Board “shall delegate to its executive director the authority to adopt a . . . stipulation for surrender of a license.”

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1 11. This Stipulated Surrender of License and Disciplinary Order shall be subject to
2 approval of the Executive Director on behalf of the Medical Board. The parties agree that this
3 Stipulated Surrender of License and Disciplinary Order shall be submitted to the Executive Director
4 for her consideration in the above-entitled matter and, further, that the Executive Director shall
5 have a reasonable period of time in which to consider and act on this Stipulated Surrender of
6 License and Disciplinary Order after receiving it. By signing this stipulation, Respondent fully
7 understands and agrees that he may not withdraw his agreement or seek to rescind this stipulation
8 prior to the time the Executive Director, on behalf of the Medical Board, considers and acts upon
9 it.

10 12. The parties agree that this Stipulated Surrender of License and Disciplinary Order shall
11 be null and void and not binding upon the parties unless approved and adopted by the Executive
12 Director on behalf of the Board, except for this paragraph, which shall remain in full force and
13 effect. Respondent fully understands and agrees that in deciding whether or not to approve and
14 adopt this Stipulated Surrender of License and Disciplinary Order, the Executive Director and/or
15 the Board may receive oral and written communications from its staff and/or the Attorney General's
16 Office. Communications pursuant to this paragraph shall not disqualify the Executive Director, the
17 Board, any member thereof, and/or any other person from future participation in this or any other
18 matter affecting or involving Respondent. In the event that the Executive Director on behalf of the
19 Board does not, in her discretion, approve and adopt this Stipulated Surrender of License and
20 Disciplinary Order, with the exception of this paragraph, it shall not become effective, shall be of
21 no evidentiary value whatsoever, and shall not be relied upon or introduced in any disciplinary
22 action by either party hereto. Respondent further agrees that should this Stipulated Surrender of
23 License and Disciplinary Order be rejected for any reason by the Executive Director on behalf of
24 the Board, Respondent will assert no claim that the Executive Director, the Board, or any member
25 thereof, was prejudiced by its/his/her review, discussion and/or consideration of this Stipulated
26 Surrender of License and Disciplinary Order or of any matter or matters related hereto.

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1 contained in First Amended Accusation No. 800-2016-023055 shall be deemed to be true, correct
2 and admitted by Respondent when the Board determines whether to grant or deny the petition.

3 5. If Respondent should ever apply or reapply for a new license or certification, or
4 petition for reinstatement of a license, by any other health care licensing agency in the State of
5 California, all of the charges and allegations contained in First Amended Accusation, No. 800-
6 2016-023055 shall be deemed to be true, correct, and admitted by Respondent for the purpose of
7 any Statement of Issues or any other proceeding seeking to deny or restrict licensure.

8 ACCEPTANCE

9 I have carefully read the above Stipulated Surrender of License and Order and have fully
10 discussed it with my attorney, Raymond J. McMahon, Esq. I fully understand the stipulation and
11 the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated
12 Surrender of License and Order voluntarily, knowingly, and intelligently, and fully agree to be
13 bound by the Decision and Order of the Medical Board of California.

14
15 DATED: 11/20/18

Narendra Jagjivan Patel
NARENDRA JAGJIVAN PATEL, M.D.
Respondent

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19 I have read and fully discussed with Respondent Narendra Jagjivan Patel, M.D. the terms
20 and conditions and other matters contained in this Stipulated Surrender of License and Order. I
21 approve its form and content.

22
23 DATED: November 20, 2018

Raymond J. McMahon
RAYMOND J. MCMAHON, ESQ.
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Surrender of License and Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: November 20, 2018

Respectfully submitted,

XAVIER BECERRA
Attorney General of California
MATTHEW M. DAVIS
Supervising Deputy Attorney General



JASON J. AHN
Deputy Attorney General
Attorneys for Complainant

Exhibit A

Fist Amended Accusation No. 800-2016-023055

FILED
STATE OF CALIFORNIA
MEDICAL BOARD OF CALIFORNIA
SACRAMENTO June 4 2018
BY R. Fitzgerald ANALYST

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MATTHEW M. DAVIS
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Attorneys for Complainant

BEFORE THE
MEDICAL BOARD OF CALIFORNIA
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the First Amended Accusation
Against:

Case No. 800-2016-023055

FIRST AMENDED ACCUSATION

Narendra Jagjivan Patel, M.D.
1461 State Street
El Centro, CA 92243

Physician's and Surgeon's Certificate
No. C 37535,

Respondent.

Complainant alleges:

PARTIES

1. Kimberly Kirchmeyer (Complainant) brings this First Amended Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).

2. On or about June 30, 1977, the Medical Board issued Physician's and Surgeon's Certificate Number C37535 to Narendra Jagjivan Patel, M.D. (Respondent). The Physician's and Surgeon's Certificate was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2019, unless renewed.

JURISDICTION

3. This First Amended Accusation which supersedes the Accusation filed on April 10, 2018, in the above-entitled matter, is brought under the following laws. All sections referenced are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code states:

“(a) A licensee whose matter has been heard by an administrative law judge of the Medical Quality Hearing Panel as designated in Section 11371 of the Government Code, or whose default has been entered, and who is found guilty, or who has entered into a stipulation for disciplinary action with the board, may, in accordance with the provisions of this chapter:

“(1) Have his or her license revoked upon order of the board.

“(2) Have his or her right to practice suspended for a period not to exceed one year upon order of the board.

“(3) Be placed on probation and be required to pay the costs of probation monitoring upon order of the board.

“(4) Be publicly reprimanded by the board. The public reprimand may include a requirement that the licensee complete relevant educational courses approved by the board.

“(5) Have any other action taken in relation to discipline as part of an order of probation, as the board or an administrative law judge may deem proper.

“(b) Any matter heard pursuant to subdivision (a), except for warning letters, medical review or advisory conferences, professional competency examinations, continuing education activities, and cost reimbursement associated therewith that are agreed to with the board and successfully completed by the licensee, or other matters made confidential or privileged by existing law, is deemed public, and shall be made available to the public by the board pursuant to Section 803.1.”

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1 5. Section 2234 of the Code, states, in pertinent part:

2 “The board shall take action against any licensee who is charged with
3 unprofessional conduct. In addition to other provisions of this article, unprofessional
4 conduct includes, but is not limited to, the following:

5 “(a) Violating or attempting to violate, directly or indirectly, assisting in or
6 abetting the violation of, or conspiring to violate any provision of this chapter.

7 “...

8 “(e) The commission of any act involving dishonesty or corruption that is
9 substantially related to the qualifications, functions, or duties of a physician and
10 surgeon.”

11 “...”

12 6. Unprofessional conduct under Business and Professions Code section 2234 is conduct
13 which breaches the rules or ethical code of the medical profession, or conduct which is
14 unbecoming a member in good standing of the medical profession, and which demonstrates an
15 unfitness to practice medicine. (*Shea v. Board of Medical Examiners* (1978) 81 Cal.App.3d 564,
16 575.)

17 7. Section 2236 of the Code states, in pertinent part:

18 “(a) The conviction of any offense substantially related to the qualifications,
19 functions, or duties of a physician and surgeon constitutes unprofessional conduct
20 within the meaning of this chapter. The record of conviction shall be conclusive
21 evidence only of the fact that the conviction occurred.

22 “...

23 “(d) A plea or verdict of guilty or a conviction after a plea of nolo contendere
24 is deemed to be a conviction within the meaning of this section and Section 2236.1.
25 The record of conviction shall be conclusive evidence of the fact that the conviction
26 occurred.”

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1 8. Section 2239 of the Code states:

2 “(a) The use or prescribing for or administering to himself or herself, of any
3 controlled substance; or the use of any of the dangerous drugs specified in Section
4 4022, or of alcoholic beverages, to the extent, or in such a manner as to be dangerous
5 or injurious to the licensee, or to any other person or to the public, or to the extent that
6 such use impairs the ability of the licensee to practice medicine safely or more than
7 one misdemeanor or any felony involving the use, consumption, or self
8 administration of any of the substances referred to in this section, or any combination
9 thereof, constitutes unprofessional conduct. The record of the conviction is conclusive
10 evidence of such unprofessional conduct.

11 “(b) A plea or verdict of guilty or a conviction following a plea of nolo
12 contendere is deemed to be a conviction within the meaning of this section. The
13 Division of Medical Quality¹ may order discipline of the licensee in accordance with
14 Section 2227 or the Division of Licensing may order the denial of the license when
15 the time for appeal has elapsed or the judgment of conviction has been affirmed on
16 appeal or when an order granting probation is made suspending imposition of
17 sentence, irrespective of a subsequent order under the provisions of Section 1203.4 of
18 the Penal Code allowing such person to withdraw his or her plea of guilty and to enter
19 a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation,
20 complaint, information, or indictment.”

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25 ¹ California Business and Professions Code section 2002, as amended and effective January 1,
26 2008, provides that, unless otherwise expressly provided, the term “board” as used in the State Medical
27 Practice Act (Cal. Bus. & Prof. Code, sections 2000, et seq.) mean the “Medical Board of California,” and
28 references to the “Division of Medical Quality” and “Division of Licensing” in the Act or any other
 provision of law shall be deemed to refer to the Board.

1 9. California Code of Regulations, title 16, section 1360, states:

2 "For the purposes of denial, suspension or revocation of a license, certificate or
3 permit pursuant to Division 1.5 (commencing with Section 475) of the code, a crime
4 or act shall be considered to be substantially related to the qualifications, functions or
5 duties of a person holding a license, certificate or permit under the Medical Practice
6 Act if to a substantial degree it evidences present or potential unfitness of a person
7 holding a license, certificate or permit to perform the functions authorized by the
8 license, certificate or permit in a manner consistent with the public health, safety or
9 welfare. Such crimes or acts shall include but not be limited to the following:

10 Violating or attempting to violate, directly or indirectly, or assisting in or abetting the
11 violation of, or conspiring to violate any provision of the Medical Practice Act."

12 10. Section 822 of the Code states:

13 "If a licensing agency determines that its licentiate's ability to practice his or
14 her profession safely is impaired because the licentiate is mentally ill, or physically
15 ill affecting competency, the licensing agency may take action by any one of the
16 following methods:

17 "(a) Revoking the licentiate's certificate or license.

18 "(b) Suspending the licentiate's right to practice.

19 "(c) Placing the licentiate on probation.

20 "(d) Taking such other action in relation to the licentiate as the licensing
21 agency in its discretion deems proper.

22 "..."

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1 **FIRST CAUSE FOR DISCIPLINE**

2 **(Conviction of a Crime Substantially Related to Qualifications,**
3 **Functions, or Duties of a Physician and Surgeon)**

4 11. Respondent has subjected his Physician's and Surgeon's Certificate No. C 37535 to
5 disciplinary action under sections 2227 and 2234, as defined by section 2236, subdivision (a), of
6 the Code, in that he has been convicted of a crime substantially related to the qualifications,
7 functions, or duties of a physician and surgeon, as more particularly alleged hereinafter:

8 12. On or about May 11, 2017, the Imperial County District Attorney filed a Criminal
9 Complaint against Respondent in the matter of *The People of the State of California v. Narendra*
10 *Patel*, Superior Court Case No. BCM35816. Count One charged Respondent with a violation of
11 Section 118340, subdivision (a) of the California Health and Safety Code, "Unauthorized Actions
12 of Medical Waste," a misdemeanor, in that he "unlawfully and knowingly transport[ed] the
13 disposal of medical waste in a manner not authorized by law." Count 2 charged Respondent with
14 a violation of Section 484, subdivision (a) of California Penal Code, "Petty Theft," a
15 misdemeanor.

16 13. On or about October 18, 2017, Respondent was convicted upon his no contest plea to
17 count 2, Petty Theft, a misdemeanor. After his plea, Respondent was sentenced to a two (2) year
18 summary probation with terms and conditions including, but not limited to, 20 hours of
19 community service, and various fines and fees.

20 **SECOND CAUSE FOR DISCIPLINE**

21 **(Dishonesty or Corruption)**

22 14. Respondent has further subjected his Physician's and Surgeon's Certificate No.
23 C37535 to disciplinary action under sections 2227 and 2234, as defined by section 2234,
24 subdivision (e), of the Code, in that he has committed an act or acts of dishonesty or corruption,
25 as more particularly alleged in paragraphs 11 through 13, above, which are hereby incorporated
26 by reference and realleged as if fully set forth herein.

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1 **THIRD CAUSE FOR DISCIPLINE**

2 **(General Unprofessional Conduct)**

3 15. Respondent has further subjected his Physician's and Surgeon's Certificate No.
4 C37535 to disciplinary action under sections 2227 and 2234, as defined by section 2234, of the
5 Code, in that he has engaged in conduct which breaches the rules or ethical code of the medical
6 profession, or conduct which is unbecoming a member in good standing of the medical
7 profession, and which demonstrates an unfitness to practice medicine, as more particularly
8 alleged in paragraphs 11 through 14, above, which are hereby incorporated by reference and
9 realleged as if fully set forth herein.

10 16. On or about May 27, 2016, Respondent was observed leaving Pioneers Memorial
11 Healthcare District in Brawley, California with a red bag containing a blue container that is used
12 to store placentas. Respondent was questioned regarding this behavior at the scene and agreed to
13 a search of his car. Inside Respondent's car was a red bag containing a blue container which had
14 a placenta in it. Respondent initially denied knowing how the placenta was placed inside his car,
15 then later stated that he took the placenta in order to use it for his rose bushes.

16 **SECTION 822 CAUSE FOR ACTION**

17 **(Physical or Mental Illness Affecting Competency)**

18 17. Respondent's Physician's and Surgeon's Certificate No. C37535 is subject to action
19 under section 822 of the Code in that he suffers from a mental and/or physical illness affecting
20 competency.

21 18. On or about August 8, 2017, pursuant to section 820 of the Code, Complainant filed a
22 Petition for an Order compelling Respondent to undergo physical and psychiatric examinations
23 with biological fluid testing.

24 19. On or about August 21, 2017, the Board issued an Order compelling Respondent to
25 undergo physical and psychiatric examinations with biological fluid testing.

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1 20. On or about October 16, 2017, Dr. A.A., conducted a mental evaluation of
2 Respondent. On or about November 5, 2017, Dr. A.A. issued his expert report and found that
3 although Respondent does not have a mental illness or condition that impacts his ability to safely
4 engage in the practice of medicine, Dr. A.A. recommended an evaluation with a neurologist with
5 brain imaging to further explore the possibility of a brain lesion or vascular events causing a
6 cognitive impairment.

7 21. On or about October 20, 2017, Dr. L.R. conducted a comprehensive physical
8 evaluation of Respondent. On or about October 22, 2017, Dr. L.R. issued his expert report and
9 found that although Respondent's physical and neurological findings are generally reassuring,
10 there were some subtle findings on Respondent's neurological exam and cognitive testing that
11 warrant additional investigation.

12 22. On or about January 19, 2018, Dr. D.S. conducted a neuropsychological fitness-for
13 duty evaluation. On or about January 31, 2018, Dr. D.S. issued her expert report and found that
14 due to Respondent's neurological condition and related cognitive deficits, Respondent is unable
15 to safely practice medicine and that Respondent's level of cognitive impairment greatly raises the
16 risk that he will unwittingly cause harm to the patients that he treats.

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1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
3 and that following the hearing, the Medical Board of California issue a decision:

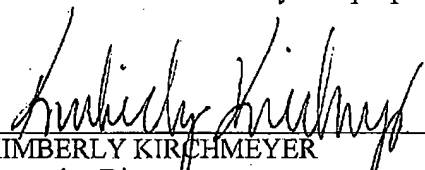
4 1. Revoking or suspending Physician's and Surgeon's Certificate Number C 37535,
5 issued to Narendra Jagjivan Patel, M.D.;

6 2. Revoking, suspending or denying approval of Narendra Jagjivan Patel, M.D.'s
7 authority to supervise physician assistants and advanced practice nurses;

8 3. Ordering Narendra Jagjivan Patel, M.D., if placed on probation, to pay the Board the
9 costs of probation monitoring; and

10 4. Taking such other and further action as deemed necessary and proper.

11
12 DATED: June 4, 2018


KIMBERLY KIRCHMEYER
Executive Director
Medical Board of California
Department of Consumer Affairs
State of California
Complainant